

from testifying if he refused to sign a waiver. Mr. Brown said he would not assume the Commissioner would refuse and would not answer the question until the contingency arose. **PERMIT ISSUED AFTER MERCHANT GAVE UP \$300.**

Mr. Lewis testified that when the stand rents were increased he gave up six or seven stands and moved. He obtained the fixtures of F. H. Fechtman & Co and got a transfer of Fechtman's permit Sept. 27, 1920.

Mr. Lewis said he had an employee named J. L. Luger, who received a salary and was to have an interest in the business if he accomplished "certain things." The witness declined to tell the nature of these "certain things."

"When I tried to get a transfer of the Fechtman permit," he said, "Mr. Luger told me he thought he could get it for \$300. I gave him the \$300 and a few days afterward the permit was issued."

"Did you ask him who was to get the \$300?" asked Mr. Wallstein.

"No, I didn't care who got it," said the witness, "so long as I got the transfer."

"Would you have been willing for Luger to keep it?" asked Mr. Wallstein.

"Yes," was the reply, "if I got the permit."

Mr. Lewis said when he sold fixtures of a stand to Mr. Benjamin he paid Mr. Luger \$350 with which to effect the transfer.

Q. How did he say he could do it? A. He said he belonged to a political organization and had some influence and might be able to get the transfer.

Q. Did he mention any names? A. No.

Q. Then what? A. He came back and said it would cost about \$350 and I gave it to him and the transfer was issued.

Similarly when Mr. Lewis turned over four stands to Dorato and Cerutti for \$5,500 "for fixtures" he gave \$1,000 to Mr. Luger with which to arrange the transfer.

"He had been successful in getting the other transfers," said the witness, "and I didn't make any question when he said it would cost \$1,000. I gave it to him and the permit was issued."

Mr. Luger was then called.

As to the transfer of the Fechtman stands to the Lewis firm Mr. Luger said he went to see Mr. O'Malley and asked for the transfer as a personal favor, saying, "It will help me out with this Lewis firm."

Mr. Luger said he showed the Commissioner a contract with the Lewis firm giving him an interest in the firm if its business increased a certain amount.

"Mr. O'Malley told me Lewis had enough stands and wouldn't say he would give me the stands. So I told him I'd come back and see him when he felt pleasanter."

Mr. Luger said he talked with one John Burke, at the Peter J. Dooling Association and asked for Mr. Burke's help. Mr. Burke took him to Mr. O'Malley.

**APPLICANT'S GOOD WORK FOR ORGANIZATION CITED.**

"Mr. Burke told him I had done good work for the organization as a captain and I ought to have the stand."

Mr. Luger said Mr. O'Malley was still not disposed to issue the transfer but Mr. Burke said he would go to see the Commissioner alone next day. Then the permit was issued. Mr. Burke called for it.

"Was Mr. Winter there when you got it?" asked Mr. Wallstein.

"No, he was not," said the witness. "Didn't he sign the permit as a witness?"

"Now let me think," said the witness. "Now maybe he was there. Yes, he was."

Q. Did you talk with Mr. Winter before you got the permit? A. Yes, he came to the market to make an investigation regarding the transfer.

The witness said the conversation was casual and had no reference to anything but the business conditions at the stands.

The witness acknowledged getting the \$300 from Mr. Lewis to pay for the Fechtman transfer and also \$450 at the time of the Benjamin transfer.

"When I went down to see O'Malley about the Dorato and Cerutti transfer he was fit to be tied; he like a jumped down my throat," Mr. Luger said.

Mr. Luger said he appealed to Peter J. Dooling at the Dooling Club and told him Mr. O'Malley refused to make the transfer on the ground that the Lewis company seemed to be "stand-brokers" rather than provision dealers.

Mr. Dooling went with Mr. Luger to Mr. O'Malley and interceded for him. Mr. O'Malley asked Mr. Dooling, the witness said, "What do these people think we are?"

The leader and the provision dealer went away and Mr. Dooling advised Mr. Luger to go back later.

Mr. Luger went back. The Commissioner said he had "reconsidered" and would issue the permit. The permit was issued the following day.

"Did you talk with Mr. Dooling about anything else than the permit?" asked Mr. Wallstein.

"There was an Irish drive on," said Mr. Luger, "and Mr. Dooling asked me if I had come across to the drive. I told him I was late, but I'd do the best I could."

The payment at the clubhouse was made a week later, he said.

"Is the complaint that the witness gave too much to the Irish Fund?" asked Senator Walker, sarcastically.

Mr. Wallstein replied that the record would show it was not.

To Mr. Brown, Mr. Luger said he was not of Irish descent but German.

"I meant no reflection," said Senator Brown; "I am part Irish myself."

Mr. Wallstein obtained permission of the committee to read into the record testimony of James R. Turner, a smoked-fish dealer of Washington Market, taken before Senator Douglas Robinson as a sub-committee.

Wallstein explained that subpoena servers had been unable to find Mr. Turner to bring him to the public hearings.

Mr. Turner said he had been associated with his uncle, Thomas Smith, for more than thirty years and took over the business on his uncle's death. In the early summer of 1920 notice was served on him that he could not do business under the Thomas Smith permit, though he had paid rent for the stands for four years under his own name.

**TOLD HE COULD GET PERMIT BY PAYMENT OF \$500.**

Mr. Turner said he went to Commissioner O'Malley with Vice President Eger of the Washington Market merchants and Mrs. Bertha Louise Katenkamp, a fish merchant, who has testified as to a reported demand made on her through Mr. Eger for \$1,000 and \$500 for General Inspector Charles A. Winter.

"Mr. O'Malley said I couldn't get a permit living in New Jersey and couldn't have any right to do business under the Thomas Smith permit," the witness declared.

Later he said Mr. Eger, who was associated with him in the Newfoundland Coopers Company, told him that a permit to James R. Turner would be issued on payment of \$500 to Winter.

This testimony agreed with testimony already given last week by Mr. Eger.

Q. You agreed to pay the \$500? A. I did not. I said I would fight it and go to court. I figured on that but saw it would cost me \$500 or \$1,000 or more to go to court.

Q. So it would be cheaper to come across, A. Yes.

**MADE \$500 PRESENT AFTER HE GOT MARKET PERMIT.**

Q. Had you promised to give Winter the \$500 if you got the permit? A. No. I told him I'd fight the \$500.

Q. How did you get the permit? A. Winter came down to the market and said the permit was ready for me at the department.

Q. Did he say anything about the \$500? A. No.

Q. Did you say you would give him \$500 rather than go to court? A. No.

Q. Did you get the permit at the Department of Markets? A. Yes; I went up there and got it from Mr. Winter.

The permit, dated Sept. 2, 1920, was put in evidence, signed by E. J. O'Malley with C. A. Winter as witness.

Mr. Turner said he met Mr. Winter at the market a day or two later and said: "I'm going to give you a present for what you did for me." He drew \$500 from his receipts in the safe and by appointment met Mr. Winter at Broadway and Fulton Street opposite the Chatham Phoenix National and handed him the \$500 "as a present," according to his testimony.

Many questions were asked in the effort to find if any agreement as to a payment was made before the issuing of a permit. Mr. Turner insisted the \$500 was a free-will gift of gratitude.

**GERMANY AGAIN PAYS IN ADVANCE**

Said to Have Deposited Upward of \$100,000,000 With Allied Agents Here.

The German Government, through its fiscal agents in this country, has anticipated further reparation obligations to the Allies due to-morrow.

According to well-informed banking interests representing the Berlin Government, these payments, which are variously estimated at \$65,000,000 to \$100,000,000, have already been deposited with the agents of the British, French and Belgian Governments in this city.

Purchases of dollar exchange to effect this transaction were concluded several weeks ago, it was stated. This probably accounts for the recent stability of international remittances at this center and the marked strength of Dutch and Scandinavian rates. Those countries, it is understood, were the markets through which Germany acquired the greater part of the American exchange necessary to the completion of the payments maturing to-morrow.

**CALIFORNIA 2.1 PER CENT. JAPANESE, CENSUS FINDS.**

Native Born Whites Increase Faster Than Foreign Born.

WASHINGTON, Aug. 30.—The population of California is 75.4 per cent. native white, 19.3 per cent. foreign born white, 2.1 per cent. Japanese, 8 per cent. Chinese, 5 per cent. Indian and 1.1 per cent. negro, the Census Bureau announced to-day.

Foreign born whites now number 681,622, an increase of 31.8 per cent. over 1910. Native whites number 2,533,048, an increase of 48.2 per cent. Japanese number 71,982, an increase of 60 per cent. over 1910. There are 2,674 Filipinos in California, 1,723 Hindus, 772 Koreans, 70 Hawaiians, 12 Malays, 6 Samoans, 6 Siamese and 1 Macri.

**Cost Gets After Delinquent Guardians.**

Delinquent general guardians who have failed to file accounts of the property of minors are to be brought to time by an order sent out to-day by Surrogate Foley, who appointed Warren Feltner special guardian to issue citations, directing the lax ones to show cause why they should not be removed. Six guardians are accused with having failed to file accounts within the specified time allowed by the Surrogate.

## HUGHES DOES NOT BELIEVE U. S. CAN JOIN THE LEAGUE

Anyhow, the Present Administration Will Not Ignore the Senate.

UP TO OTHER NATIONS.

Only Indifference Is Shown Now in Regard to Occupancy of Council Seat.

By David Lawrence.  
(Special Correspondent of The Evening World.)

WASHINGTON, Aug. 30 (Copyright, 1921).—The interesting thing now is to see whether the Allies consider the action of the Harding Administration in regard to the German treaty as absolutely final or whether they believe the door is still open for a future Administration to take the vacant chair in the Council of the League.

It is pointed out by those who think the new pact allows such action that the present Administration did not feel bound to consult the Senate when a representative was sent officially to the Supreme Council and that if the Executive failed to do so he could send an American diplomat to take America's seat in the Council of the League. The Allies couldn't possibly misunderstand the presence of an American representative at the Council of the League, for the new treaty specifically says the United States is not bound by any provisions of the covenant or action of the Council "unless the United States gives its assent."

The Department of State is authority for the view that the words "United States," as used in the new pact with Germany, meant the United States as a constitutional fact, which implies, of course, that the President and Secretary of State have certain powers of agreement with other nations which do not require the assent of Congress and of certain powers which necessitate ratification by the Senate. It is therefore possible for the President and Secretary of State to concur in certain courses of action taken by the Council of the League without asking Senate ratification.

Certainly, the present Administration has no such intention. Ambassador Harvey was right when he predicted that the Harding Administration wouldn't have anything to do directly or indirectly with the League, but the significant fact is that if an Administration comes into power which is more friendly to the League than the incumbent authorities it may be possible for the new treaty with Germany to be interpreted as permitting an American representative to sit in the Council officially or unofficially and represent the President of the United States.

The Allies and the other countries of the world must decide the questions. The membership of the Council is specifically designated to include the United States. The Council has the right to increase or diminish its membership, but must have the approval of the Assembly.

Shall the some other nation or shall it always remain vacant as a standing invitation to the American Government to send a representative to the Council any time it wants to determine whether to give its assent or not to an action by the Council?

Since the new treaty with Germany indicates that the United States might conceivably want to concur in some things done by the League, the Allies would be denying America an opportunity to get the facts first-hand through an official or unofficial observer if they formally eliminated the name of the United States from the charter membership in the Council. But it's up to the other nations. So far as the present Administration is concerned it shows indifference as to whether the seat is kept vacant or filled by some other country.

**TAX CLERK INDICTED FOR FORGERY AND LARCENY.**

Treasurer and Fake Entries Charged to \$1,800 City Employee.

Forgery and grand larceny are charged against an \$1,800 a year clerk in the tax office in indictments handed down to-day against James L. Gaffney, twenty-five, of No. 169 E. 62d Street. He was arrested to-day at his desk in the Municipal Building.

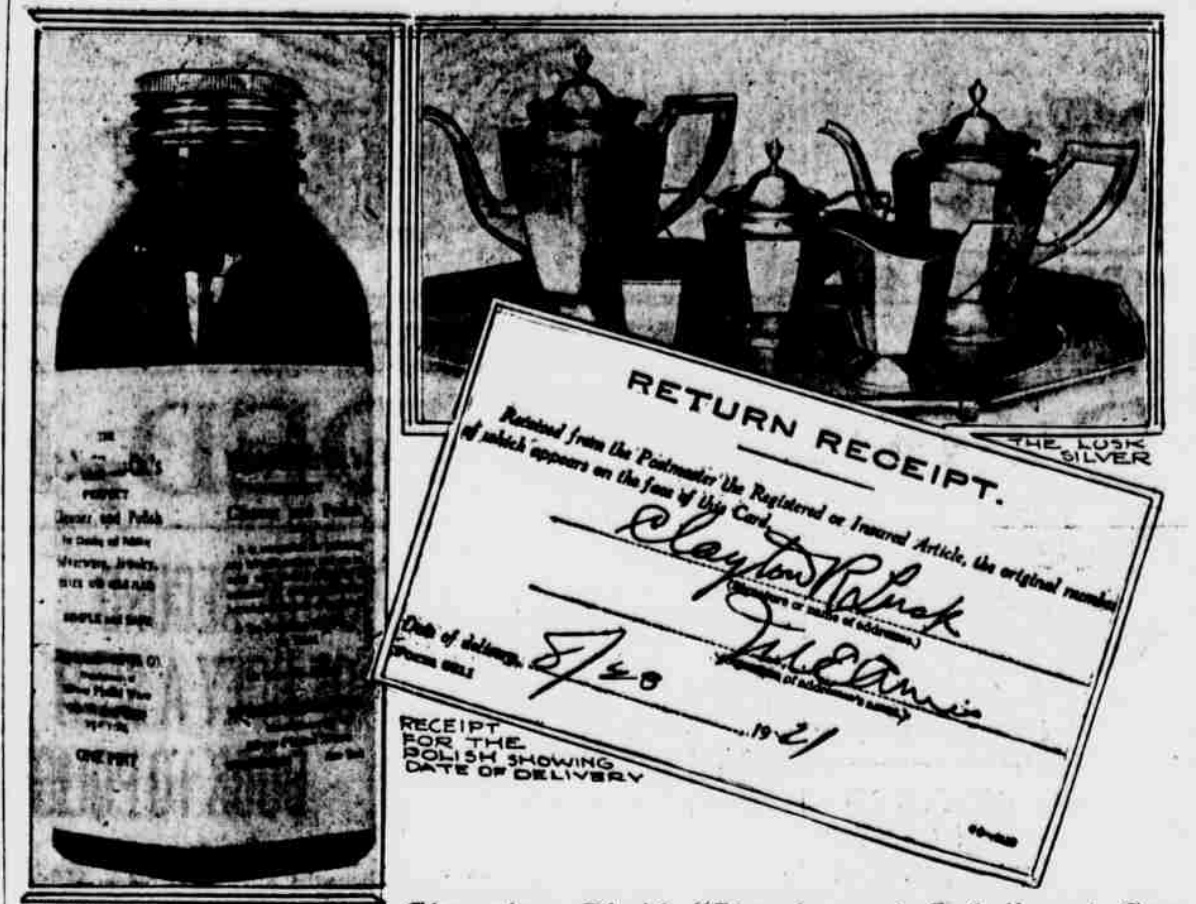
The specific charge of second degree grand larceny is based on the alleged appropriation in January of \$80.50 which Gaffney is said to have collected from Mrs. Margaret Brown, No. 140 East 17th Street, in payment of taxes, and the subsequent diversion of a check, to cover up this deficiency.

Forgery in the third degree is charged on the alleged erasures and false entries in the clerk's books. Experts are now auditing Gaffney's accounts.

**Report Anti-Bolshevik Leader Captured.**

TOKIO, Aug. 30.—Army authorities here received an unconfirmed report to-day that Gen. Baron Ungern-Sternberg, the anti-Bolshevik leader who has been conducting an offensive against the Far Eastern Republic of Siberia, has been captured by the Bolsheviks, with 50 soldiers of his personal bodyguard.

## Radiance of Lusk Silver Now Assured; Senator Gets Evening World Fund Polish



## Cleaning Fluid "Simple and Safe," and Contributors May Be Glad It Is Not as Dangerous as the Silverware.

Subscribers to, and the many thousands who were sympathetically interested in The Evening World's Lusk Fund to Keep the Silver Shining, will be interested to know that Senator Clayton R. Lusk has received his silver polish and all danger of the set of silverware presented to him by grateful New York detectives becoming tarnished has been averted. Not only has the Senator received the polish but the gift was accompanied by a piece of cloth to be used in applying the same—said piece of cloth having been contributed by one of the subscribers to the fund.

The total fund, which was made up of subscriptions ranging from cigar and cigarette coupons to foreign fractional coins, pennies, stamps, a lead quarter and one silver dime was sufficient to pay for the polish. Those who assisted in the consummation of the project may rest assured that they took part in a job that was complete down to the last detail.

The polish is the best that money can buy. The label assures that it is "perfect," and that it is "the best silver polish in the world," and that "it has no equal," and that "it contains no acid, poisonous or harmful substances of any kind," and, furthermore,

that "it is simple and safe." These assurances of the manufacturer are gratifying. It was in the minds of the contributors to the Lusk Silver Polish Fund to insure that the polish would not prove to be as dangerous as the silverware.

The Evening World caused the pint of silver polish—which will undoubtedly last indefinitely—to be sent to Senator Lusk at his home in Cortland, N. Y., by registered mail. It had been reported that the Senator was at Cortland curing a case of hay fever, but from other sources it was learned that the Senator was in Washington occupying himself with some business with the Shipping Board.

However, the polish did not go astray. It was received and receipted for, as the return card shows, on Aug. 23 by the Senator's agent, M. E. Ames. Apparently parcel and packages sent to the Senator are sure to reach him through one channel or another.

The Evening World extends its thanks to the contributors to the fund and to the many who helped it along by expressions of good will and everything. The thanks of Senator Lusk may be received later or they may not be received at all.

**FIVE MORE KILLED AND MANY WOUNDED IN BELFAST RIOTING**

(Continued From First Page.)

the curfew law, which provides that all persons not having business on the streets must be in their houses after 10.30 at night.

Last night's fighting appeared to be between the Unionists and the Nationalists. The Unionists used revolvers and threw two bombs.

The district was absolutely peaceful when the Unionists appeared and fired a volley of shots down Hardings Street. The Nationalists defended themselves and fighting soon spread to adjoining streets.

A member of the Royal Constabulary said the riot, although short, was one of the worst in his experience.

DUBLIN, Aug. 30.—Contrary to expectation, De Valera's reply to Premier Lloyd George's pronouncement Friday has not been despatched.

The stone wall attitude of Ulster on the Irish unity question constitutes a real crisis and is responsible for the delay and doubt in the nature of De Valera's reply. It is improbable that any reply will be despatched before this morning.

**IRISH R. R. STRIKE LASTS FEW HOURS**

Men Agree to Return to Work After Advice of Labor Secretary.

BELFAST, Aug. 30.—The engineers and firemen of the Great Northern Irish Railway, who struck last midnight as a result of a dispute with the management, returned to their posts this afternoon on the advice of J. H. Thomas, General Secretary of the National Union of Railwaymen.

Mr. Thomas advised the men to go back to work after the company had agreed to participate in the Irish Railway arbitration, now in progress for a settlement of disputes between the railway and their employees. The Great Northern had previously refused to participate in the arbitration proceedings.

**Accused of Stealing Coal Wagon.**

Frank Roemer, twenty-eight, of No. 86 Lewis Street was held in \$2,500 bail to-day by Magistrate Corrigan in Essex Market Court for examination Friday on a charge of stealing a coal wagon from Burns Brothers, Inc., in East 14th Street on Aug. 28. The wagon was recovered.

**CHAUFFEUR WHO FLED AFTER ACCIDENT PUNISHED.**

Arnold McCarthy, a colored chauffeur of No. 77 West 145th Street, was convicted in Special Sessions to-day on a charge of running away after causing an automobile accident. He was sentenced to the penitentiary for six months to three years.

Mrs. Laura Hookstadter of No. 519 West 174th Street, was in a taxi at Seventh Avenue and 125th Street on July 28 when McCarthy's car struck it. Her head was cut. McCarthy drove away but was caught later.

**Report Anti-Bolshevik Leader Captured.**

TOKIO, Aug. 30.—Army authorities here received an unconfirmed report to-day that Gen. Baron Ungern-Sternberg, the anti-Bolshevik leader who has been conducting an offensive against the Far Eastern Republic of Siberia, has been captured by the Bolsheviks, with 50 soldiers of his personal bodyguard.

## PRISON RECORD OF HOEY A SHUT BOOK TO POLICE

(Continued From First Page.)

Hoei attempted to assault the arresting officer in the courthouse. On Aug. 22 Hoei was indicted by the Grand Jury for robbery in the first degree, and on the 25th the case came up before Judge Nott in General Sessions and was continued on the same bail.

There was no one in court to apprise Judge Nott of Hoei's criminal record, and no application for any increase in his Police Court bail was made. His bond was furnished by the New Amsterdam Casualty Company, whose agent was Louis Topper.

Now, here is how Hoei came to be in and out of Sing Sing and how he was able to be at the old shanty when Policeman Daniel J. Neville was shot from ambush on Saturday night. From Dr. Frank L. Christian, superintendent of Elmira, the Prison Association learned that Hoei arrived at the Reformatory Feb. 27, 1919, under sentence by Judge Crain for robbery in the first degree. On March 18, 1919, he was transferred as an undesirable to Napanoch.

He had a fight with an inmate of Napanoch, named Roberts, and is said to have killed Roberts. The Grand Jury failed to indict him for murder for lack of evidence, and on Nov. 15, 1919, he was transferred to Sing Sing. All this time the police believed him to be in Elmira, no notification being given them of his several transfers.

They have not yet learned how long he has been out on parole. In last March, while on parole, he was sent to Elmira for having drugs in his possession and the police evidently did not delve into his record at that time. He got out of Elmira and then was arrested for the hold-up of Delino. Then the police got busy and learned of his going to Sing Sing.

When they asked him this morning how he got out of Sing Sing, Hoei smiled and said:

"My friends."

Hoei is twenty-three, and has run up the following record:

April, 1914, six cases of juvenile delinquency; sentenced on one to the Catholic Protectory and on the others to the House of Refuge.

1915, convicted at Weehawken, N. J., of petty larceny and fined \$12.

Oct. 30, 1916, grand larceny. Sentenced Nov. 14, 1916, to the House of Refuge.

May 13, 1917, assault. Sent to New York State Reformatory by Judge Rosalsky.

Jan. 15, 1919, assault and robbery. Sentenced Feb. 21, 1919, to Elmira Reformatory by Judge Crain.

Nov. 15, 1919, transferred from Elmira Reformatory to Sing Sing Prison on a charge of having killed a fellow inmate, Roberts, at Napanoch. Not convicted.

March 11, 1921, convicted of having narcotic drugs in his possession and sent to the Workhouse by Magistrate House.

Aug. 13, 1921, robbery. Case pending.

Funeral arrangements for Patrolman Neville were being completed to-day. The cortege will leave his late home, No. Brooklyn Avenue, Jamaica, L. I., at 10 o'clock to-morrow morning and proceed to St. Monica's Church. Interment will be in Calvary Cemetery. The police band, Glee Club, and 80 patrolmen will march.

Arrangements for the care of Mrs. Neville and her three children are under way, it was said at Headquarters. The Police Department Relief Fund already has sent an application blank to Mrs. Neville. The Police Pension Fund will also order paid to Mrs. Neville \$600 a year, it was said, when the matter is taken up by the Pension Board. The Equitable Fire and Police Fund, organized following the Equitable Building fire, has also sent an application blank to Mrs. Neville.

**TALLEY'S NAME GOES ON TICKET**

Substituted for Justice Collins as Democratic Candidate for General Sessions Judge.

The name of Alfred J. Talley as one of three candidates for Judge of General Sessions Court on the Democratic ticket was finally added to the ballot to-day as a substitution for that of Justice Cornelius J. Collins of Special Sessions. Justice Collins declined the General Sessions nomination, ostensibly to finish some special work he has before him in his court, but primarily to make way for Judge Talley over whose rejection by Charles F. Murphy there was considerable criticism.

This completes the Tammany judiciary ticket. There are no party contests for other judicial nominations. It is declared by friends of Judge Talley that he won a signal victory over Mr. Murphy, who turned him down, it was said, for organizational reasons.

**END OF HARBOR OIL PERIL SEEN IN S. O. OF N. J. OFFER.**

Volunteers to Dispose of Ship Wreck in Bayonne Plant.

Half the problem facing the committee of shipping men who with Capt. D. C. Hanrahan, U. S. N., Supervisor of the Port of New York, are trying to rid harbor waters of the menace of floating fuel oil, was solved at to-day's meeting at No. 39 Whitehall Street, when W. C. Koehler, speaking for the Standard Oil Company of New Jersey, said the company would be glad to dispose of all oil waste if delivered at their Bayonne plant. Mr. Koehler explained his proposal was for a temporary remedy only and considered it likely that the city would eventually prefer to dispose of the waste oil at its own plant, where a part could be reclaimed for road building and other purposes.

The main question to be decided now is the procuring of lighters to take waste oil from the ships to the Bayonne plant. The city may be asked to undertake this work as part of its waste disposal system.

On Sept. 1 the committee will make an inspection of the harbor and shipping, leaving Pier A at 11 o'clock.

**DR. REEVE IS DENIED CUSTODY OF CHILD.**

Wife, an Opera Singer, Chased Little One Across Continent.

Supreme Court Justice Tompkins to-day ordered Charles Reeve to pay to his wife, Mrs. Grace Fisher Reeve, \$5 a week for support of his seven-year-old daughter, Delora. The court denied the doctor's request for full custody of the child.

Dr. Reeve a year ago took the girl to California. Mrs. Reeve gave chase and took the child back to her present home in Ossining. Mrs. Reeve prior to her marriage was a member of the Metropolitan Opera Company. Dr. Reeve said as a result of publicity over the suit he has practically lost his practice and is now an assistant house physician in a hospital.

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